

## **REMARKS**

Reconsideration of the restriction requirement is respectfully requested.

The examiner has identified two groups of inventions, as follows:

Group I: Claims 1-6, drawn to a method, and

Group II: Claims 7-17, drawn to an apparatus.

Applicants provisionally elect the claims of Group II, with traverse.

Applicants traverse the restriction requirement on the basis that both groups of claims relate to metal melting technology. Applicants respectfully submit that a complete search of the elected apparatus claims of Group II would also appear to include a search for the non-elected method claims of Group I.

Therefore, applicants respectfully submit that a search of the method claims of Group I can be conducted without significantly more effort than it would take to conduct the search and examination of the apparatus claims of Group II.

Accordingly, it is believed that the following guidelines of MPEP §803 are applicable,

*If the search and examination of all the claims in an application can be made without serious burden, the examiner must examine them on the merits even though they include claims to independent or distinct inventions.*

In view of foregoing remarks, withdrawal of the Restriction Requirement is respectfully requested and the examination of claims 1-17 is respectfully requested.

Dated: January 14, 2009

RODMAN & RODMAN  
10 Stewart Place – Suite 2CE  
White Plains, New York 10603

Telephone: (914) 949-7210

Facsimile: (914) 993-0668

1167-33 Response

Respectfully submitted,

/Charles Rodman/

Charles B. Rodman Reg. No. 26,798  
Attorney for Applicants